

S/L 9
20.06.2025
Court. No. 19
Suwayan

WPA 12116 of 2023

**Kamal Kumar Ghosh
Vs.
The State of West Bengal & Ors.**

*Mr. Pallav Chatterjee
Mr. Monajit Chakraborti*

...for the petitioner.

*Mr. Soumitra Bandyapadhyay
Mr. Priyabrata Batabyal
Mr. Subhasish Bandyapadhyay*

...for the State.

1. The supplementary affidavit as filed on behalf of the writ petitioner is taken on record.
2. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities for allotting an alternative sand block having equal deposit falling within the potential area. From the materials as placed before this Court and after hearing the learned Advocates for the contending parties it reveals that admittedly the writ petitioner became the highest bidder in an e-auction process for grant of mining lease for extraction of sand and accordingly the respondents/authorities issues a memo dated 13.12.2018 directing the writ petitioner to deposit 1/3rd of bid amount. The writ petitioner deposited the bid amount and thereafter LOI was issued to the writ petitioner.
3. The writ petitioner approached the State Level Expert Appraisal Committee ('SLEAC' in short) for obtaining environmental clearance. However, SLEAC rejected

the application of the writ petitioner on the following grounds namely:

- (i) The writ petitioner did not have valid accreditation certificate from NABET.
- (ii) The plot area for the proposed project as per approved mining plan does not fall within the potential zone of the of the approved DSR.
- (iii) The writ petitioner has not uploaded original LOI showing the plot location and certificate from the competent authority.

4. In course of his submission learned Advocate for the writ petitioner draws attention of this Court to page nos. 62 and 64 of the instant writ petition. It is submitted that from the aforesaid two pages it would reveal that the writ petitioner had certificate of accreditation and by a letter dated 27.01.2023 the consultant of the writ petitioner informed the Member Secretary of SEIAA regarding availability of the said certificate including the approved mine plan and uploading of LOI.

5. *Per contra*, Mr. Batabyal duly led by Mr. Bandyapadhyay, learned Advocates appearing on behalf of the respondents/State draws attention of this Court to the report as submitted in connection with the instant writ petition. It is submitted on behalf of the State that the writ petitioner has every option to approach the SEIAA for review of the District survey

report, however, by no stretch of imagination allotment of alternative sand block is not permissible.

6. On being asked by this Court it is, however, submitted by Mr. Batabyal that he received instruction from his client that as on this day LOI as issued in favour of the writ petitioner has not been cancelled.
7. On careful consideration of the entire materials as placed before this Court, this Court while disposing the instant writ petition grants liberty to the writ petitioner to approach SEIAA for grant of environmental clearance certificate upon compliance of all formalities and in the event such approach is made by the writ petitioner the respondent no. 5/authority shall take appropriate decision on the approach of the writ petitioner afresh without being influenced by the earlier observation dated 11.01.2023 of SLEAC.
8. The entire exercise as indicated hereinabove is to be completed by the respondent no. 5/authority within 60 working days from the date of communication of the server copy of this order subject to compliance of all formalities by the writ petitioner for obtaining environmental clearance as per rule.
9. With the aforementioned observation, the instant writ petition being WPA 12116 of 2023 is disposed of.
10. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)